

1                                   **STATE OF IOWA**  
2                                   **BOARD OF EDUCATIONAL EXAMINERS**  
3                           **Grimes State Office Building – 400 East 14<sup>th</sup> Street**  
4                                   **Des Moines, Iowa 50319-0147**

5  
6                                   **Minutes**

7  
8                                   **October 2, 2009**  
9

10   The Board of Educational Examiners held its monthly meeting on October 2, 2009.  
11   Board Chair, Judy Jeffrey, called the meeting to order. Members attending were  
12   Julio Almanza, Brad Dirks, Tammy Duehr, Merle Johnson, Oscar Ortiz, Greg  
13   Robinson, Liz Sheka, Laura Stevens, Carol Trueg and Richard Wortmann. Also in  
14   attendance were Dr. George Maurer, Executive Director of the Board and Julie  
15   Bussanmas, Assistant Attorney General. Bev Smith was unable to attend. Due to  
16   a prior commitment, Oscar Ortiz left the meeting at 12 noon.

17  
18   Merle Johnson moved, with a second by Carol Trueg, to approve the agenda.

19   **MOTION CARRIED UNANIMOUSLY.**  
20

21   Oscar Ortiz moved, with a second by Carol Trueg , that the Board go into closed  
22   session for the purposes of discussing whether to initiate licensee disciplinary  
23   proceedings and discussing the decision to be rendered in a contested case,  
24   pursuant to Iowa Code sections 21.5(1)(d) and 21.5(1)(f).   **MOTION CARRIED**  
25   **UNANIMOUSLY.**  
26

27   Laura Stevens moved, with a second by Merle Johnson, that in **case number**  
28   **09-20**, the Board find that, although one or more of the allegations in the  
29   complaint may be substantiated by the witnesses interviewed in the course  
30   of the investigation [and/or] the documents gathered in the course of the  
31   investigation, and the allegations may constitute a technical violation of the  
32   board's statute or administrative rules; the evidence before the board  
33   indicates that : *adequate steps have been taken to remedy the violation and to*

1 *ensure that incidents of a similar nature do not occur in the future.* Taking  
2 into account these circumstances, and the Board's mission to act upon  
3 those complaints which involve a threat to the health and safety of students  
4 and the public, the Board will not pursue formal disciplinary action in this  
5 matter. **MOTION CARRIED UNANIMOUSLY.**

6  
7 Merle Johnson moved, with a second by Carol Trueg, that in **case number 09-21**,  
8 the Board find that the evidence gathered in the investigation, including witness  
9 statements and the documentary evidence, does not corroborate the allegations in  
10 the complaint, and that the Board therefore lacks probable cause to proceed with  
11 this matter. **MOTION CARRIED UNANIMOUSLY.**

12  
13 Carol Trueg moved, with a second by Oscar Ortiz, that in **case number 09-33**, the  
14 Board finds that the evidence gathered in the investigation, including witness  
15 statements and the documentary evidence does not rise to the level necessary to  
16 take action against the licensee. The Board therefore lacks probable cause to  
17 proceed with this matter. **MOTION CARRIED UNANIMOUSLY.**

18  
19 Oscar Ortiz moved, with a second by Carol Trueg, that in **case number 09-**  
20 **34**, the Board finds that the evidence gathered in the investigation, including  
21 witness statements and the documentary evidence does not rise to the level  
22 necessary to take action against the licensee. The Board therefore lacks  
23 probable cause to proceed with this matter. **MOTION CARRIED**  
24 **UNANIMOUSLY.**

25  
26 Laura Stevens moved, with a second by Merle Johnson, that in **case number**  
27 **09-35**, the Board finds that the evidence gathered in the investigation,  
28 including witness statements and the documentary evidence does not rise to  
29 the level necessary to take action against the licensee. The Board therefore  
30 lacks probable cause to proceed with this matter. **MOTION CARRIED**  
31 **UNANIMOUSLY.**

1 Laura Stevens moved, with a second by Carol Johnson, that in case number  
2 09-38, the Board find probable cause to establish a violation of the following  
3 provisions of the Code of Professional Conduct and Ethics, 282 IAC 25.3(1)  
4 b (2), and order this case set for hearing. **MOTION CARRIED**  
5 **UNANIMOUSLY.**

6  
7 Carol Trueg moved, with a second by Merle Johnson, that in case number  
8 09-39, the Board finds that the evidence gathered in the investigation,  
9 including witness statements and the documentary evidence does not rise to  
10 the level necessary to take action against the licensee. The Board therefore  
11 lacks probable cause to proceed with this matter. Roll call vote: Almanza-  
12 yes, Dirks=yes, Duehr=yes, Jeffrey=recused, Johnson=yes, Ortiz=yes,  
13 Robinson=yes, Sheka=yes, Stevens=recused, Trueg=yes, Wortmann=yes.  
14 **MOTION CARRIED.**

15  
16 Merle Johnson moved, with a second by Oscar Ortiz, that in case number  
17 08-116, the Board accepts the Respondent's waiver of hearing and voluntary  
18 surrender and that the Board issue an order permanently revoking the  
19 Respondent's license with no possibility of reinstatement. **MOTION**  
20 **CARRIED UNANIMOUSLY.**

21  
22 Carol Trueg, moved, with a second by Oscar Ortiz, that in case number 09-  
23 10, the Board accept the Respondent's waiver of hearing and agreement to  
24 accept a lesser sanction, and issue an order imposing the agreed upon  
25 sanction. **MOTION CARRIED UNANIMOUSLY.**

26  
27 Laura Stevens moved, with a second by Merle Johnson, that the Board  
28 extend the 180-day deadline for issuance of the final decision in case  
29 numbers 09-31 and 09-32, based upon the extraordinary amount of time  
30 needed to schedule the hearing, allow review of the proposed decision, and  
31 issue a final decision. **MOTION CARRIED UNANIMOUSLY.**



1 Board Reports:

2 Greg Robinson reported that Christy Hickman, Attorney with ISEA, came  
3 and spoke to his staff and answered questions regarding licensure, rights,  
4 responsibilities, practices and ethics.

5  
6 Tammy Duehr reported that her district is sending postcards to their  
7 teachers on their birthday and wishing them "Happy Birthday." The card  
8 also contains the BoEE website so they can check the status of their license  
9 regarding renewing, etc.

10  
11 Public Comment:

12 There were no public comments.

13  
14 Executive Director's Report:

15 Greg Robinson voiced concern that some teachers delay in obtaining their renewal  
16 credit even though they have five years. The teacher then applies for an extension  
17 for renewal. He believes the supervisor/administrator should sign-off before an  
18 extension is granted. George will look at some of the Class A Licenses that are  
19 issued and bring the information back to the November meeting.

20  
21 Dr. Maurer presented the financial report for August.

22  
23 The department and the Board were partners in the TQE grant and the grant is  
24 ending after five years (September 30, 2009). Additional funds were available and  
25 will be used for the electronic portfolio process.

26  
27 A situation came up with Jill Campbell (filed a petition for waiver) who wanted to  
28 get into the Intern Program at Morningside College. Morningside began their  
29 program after the August board meeting and we didn't receive her waiver until after  
30 that meeting and she wanted to start the program. Based on conversations the  
31 Board has had regarding waivers, Dr. Maurer approved the waiver on the Board's  
32 behalf due to past practice.

1 Dr. Maurer received a letter from American Public University System in West  
2 Virginia asking if we will recognize/accept virtual field experience. Our rules do not  
3 permit it. Unless the Board wants to pursue this, our rules will stand and the  
4 response to the University will be “no.”

5  
6 Dr. Maurer distributed the revised Licensure Handbook to the Board. This is also  
7 available on our website.

8  
9 The board packet for board members will be available via link on the website for  
10 them to access the packet electronically prior to a board meeting.

11  
12 During the Executive Committee there was a discussion regarding ways to save  
13 money and a question came up regarding the number of board meetings held each  
14 year. They asked that Dr. Maurer discuss with the Board the possibility of  
15 reducing the number of meetings held. Possible alternatives would be telephonic  
16 meetings, when needed, for timely issues (i.e. professional practice) and/or ICN  
17 meetings. Dr. Maurer proposed eliminating the upcoming March and May  
18 meetings. At the November meeting, he will bring back the pros/cons and the cost  
19 analysis. The option will then be up to the Board to decide.

20  
21 Rules:

22 Merle Johnson moved, with a second by Greg Robinson, to adopt-file emergency,  
23 proposed changes to Chapters 13, 14 and 22 various sections Reorganization  
24 Clean-up. **MOTION CARRIED UNANIMOUSLY.**

25  
26 Greg Robinson moved, with a second by Carol Trueg, to file under Notice of  
27 Intended Action, the proposed changes to Chapter 13.3(272) Applicants from  
28 recognized non-Iowa institutions. **MOTION CARRIED UNANIMOUSLY.**

29  
30 Richard Wortmann moved, with a second by Laura Stevens, to file under Notice of  
31 Intended Action, the proposed changes to Chapter 13.17(272) Specific requirements  
32 for exchanges licenses. **MOTION CARRIED UNANIMOUSLY.**

1 Richard Wortmann moved, with a second by Greg Robinson, to file under Notice of  
2 Intended Action, the proposed changes to Chapter 12.8(272) Portfolio Evaluation  
3 Fee. **MOTION CARRIED UNANIMOUSLY.**

4  
5 Items for Discussion:

6 The proposed changes to Chapter 13.26(4) Teacher-elementary classroom were  
7 discussed and will be brought back to the November meeting for noticing.

8  
9 The proposed changes to Chapter 16.9 School Athletic Trainer SPR were discussed  
10 and will not move forward for noticing.

11  
12 The proposed change to Chapter 23.1 Behind-the-wheel driving instructor  
13 authorization was discussed and will be brought back to the November meeting for  
14 noticing.

15  
16 The proposed changes to Chapter 27.4 Professional Service License were discussed  
17 and will be brought back to the November meeting for noticing.

18  
19 Petitions for Waiver:

20 Brad Dirks moved, with a second by Merle Johnson, that in **PFW 09-13**, Justin  
21 Edwards Miller, the Board deny the Petition for Waiver. **MOTION CARRIED**  
22 **UNANIMOUSLY.**

23  
24 Greg Robinson moved, with a second by Merle Johnson, that in **PFW 09-14**,  
25 Victoria Winner, the Board deny the Petition for Waiver. **MOTION CARRIED**  
26 **UNANIMOUSLY.**

27  
28 Carol Trueg moved, with a second by Julio Almanza, that in **PFW 09-15**, Yvonne  
29 Copper, the Board grant the Petition for Waiver. Roll call vote: Almanza – yes;  
30 Dirks – yes; Duehr – yes; Jeffrey – yes; Johnson – no; Robinson – no; Sheka – yes;  
31 Stevens – yes; Trueg – yes; Wortmann – yes. **MOTION CARRIED.**



1 Greg Robinson moved, with a second by Richard Wortmann, that in **PFW 09-16**,  
2 Bishoy Demian, the Board table the Petition for Waiver. **MOTION CARRIED**  
3 **UNANIMOUSLY.**

4  
5 Reports:

6 Given the financial state of the State, at this time we are not going to propose a  
7 change to Section 272.10 regarding licensing fees.

8  
9 Julie Bussanmas stated that there is an increased number in hearings/public  
10 decision regarding attempted enticement of a minor and enticement of a minor by  
11 computer/internet stings. She asked if the Board wants her to pursue a change  
12 which would allow revocation of the practitioner's license should there be a  
13 conviction.

14  
15 Dr. Maurer presented the FY 2009 Financial Report.

16  
17 Dr. Maurer reviewed the FY 2010 Board Goals.

18  
19 The rationale for Aquarium Science was presented to the Board as an informational  
20 item. In the past Career and Technical endorsements have been approved by staff  
21 with Board notification. Dr. Maurer will gather more information regarding this  
22 process and present it to the Board at the November meeting.

23  
24 FAQ's for the Professional Service License will be posted on the website and will  
25 also be placed in the Licensure Handbook.

26  
27 There being no further business, Judy Jeffrey adjourned the meeting at 2 p.m.